

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named  
Inventor : Todd M. Sharratt

Appln. No. : 10/728,202

Filed : December 4, 2003

For : METHOD FOR HUMERUS  
RETRACTION

Docket No.: M81.12-0073


Group Art Unit: 3732

Examiner:

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
SENT BY U.S. MAIL, FIRST CLASS, TO THE  
COMMISSIONER FOR PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VA 22313-1450, THIS

12<sup>th</sup> DAY OF February 2004.  
  
PATENT ATTORNEY

Sir:

The patents or publications listed on the enclosed PTO Form-1449 are submitted pursuant to 37 C.F.R. § 1.97. Copies of the patents or publications cited are enclosed, except as waived by the Official Gazette notice of August 5, 2003 regarding copies of US Patents and Publications.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_. References listed on the enclosed PTO Form 1449 were submitted to and/or cited by the Office in the prior application and copies are therefore not required to be provided herewith under 37 C.F.R. § 1.98(d).

**TIME OF FILING**

The information disclosure statement is being filed:

1. ☒ with the application or within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. In accordance with 37 C.F.R. § 1.97(b), no statement or fee is required.

2.     \_\_\_ after the time period specified in paragraph 1 above, but before the mailing date of a final action under 37 C.F.R. § 1.113 or notice of allowance under 37 C.F.R. § 1.311. Therefore, in accordance with 37 C.F.R. § 1.97(c), submitted herewith is:

(check either A or B below)

- A.     \_\_\_ a statement as specified in 37 C.F.R. § 1.97(e).
- B.     \_\_\_ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c).
3.     \_\_\_ after the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before payment of the issue fee. Therefore, Applicant petitions for consideration and submits herewith:
- A.     a statement as specified in 37 C.F.R. § 1.97(e);
- B.     the petition fee set forth in 37 C.F.R. § 1.17(p).

**METHOD OF PAYMENT**

X     No fee is required.

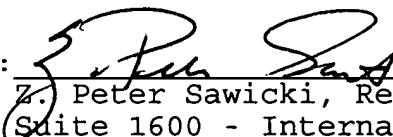
\_\_\_ Attached is a check in the amount of \$\_\_\_.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123. A duplicate copy of this communication is enclosed.

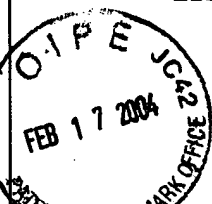
Respectfully submitted,

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FORM PTO-1449	Atty. Docket No.: M81.12-0073	Appl. No.: 10/728,202
 <p>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</p>	First Named Inventor:	
	Todd W. Sharratt	
	Filing Date	Group Art:
	December 4, 2003	

## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub Class	Filing Date If Appropriate
AA	3,522,799	08/1998	Koros et al.			
AB	4,261,062	04/14/1981	Amstutz et al.			
AC	5,437,677	08/01/1995	Shearer et al.			
AD	5,454,365	10/03/1995	Bonutti			
AE	5,507,817	04/16/1996	Craig et al.			
AF	5,685,826	11/11/1997	Bonutti			
AG	5,702,486	12/30/1997	Craig et al.			
AH	5,707,390	01/13/1998	Bonutti			
AI	5,716,325	02/10/1998	Bonutti			
AJ	5,782,924	07/21/1998	Johnson			
AK	5,795,291	08/1998	Koros et al.			
AL	5,888,196	03/30/1999	Bonutti			
AM	5,902,233	05/1999	Farley et al.			
AN	5,961,512	10/05/1999	Purnell			
AO	6,090,042	07/2000	Rullo et al.			
AP	6,102,853	08/2000	Scirica et al.			

## FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub Class	Translation Yes No
AQ						

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	
EXAMINER:	DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.